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Record Item: Trial Testimony of M. Brewster Smith or Kenneth B. Clark

File Unit: Case File 1333, Volume 2, pgs. 261-300, 377-406
Case File 1333, Volume 3, pgs. 408-458

Series: Civil Case Files, 1938-1958

Subgroup: Richmond Division

Record Group: Records of the U.S. District Court for the Eastern District of Virginia, Record Group 21

Repository: National Archives-Mid Atlantic Region, Philadelphia, PA.

is any unseemly mirth, Mr. Moore, I shall very promptly suppress it.

Your next witness?

MR. CARTER: Dr. H. Brewster Smith.

DR. H. BREWSTER SMITH, called as a witness by and on behalf of the plaintiffs, being first duly sworn, testified as follows:

EXAMINED BY MR. CARTER:

Q Dr. Smith, would you give your full name and present occupation to the Court?

A H. Brewster Smith, Chairman of the Department of Psychology, Professor of Psychology, at Vassar College.

Q Professor Smith, how long have you held that position?

A Two and a half years.

Q Would you mind telling us what your educational background is?

A Bachelor and Masters degree in Psychology, Stamford University; Ph.D. in Social Psychology from Harvard University.

Q Prior to becoming Chairman of the Department of Psychology at Vassar, what other teaching positions had

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you held? What other experience have you had in the field of Social Psychology?

A For two years prior to coming to Vassar, I was Assistant Professor of Social Psychology and Research Associate in the Department of Social Relations at Harvard University. During the war, I served as Major in the Research Branch of the Morale Division of the Army for some three years -- of course, not all of those in the rank of Major. In that connection, I made studies of soldier opinion and attitudes, including, among other studies, ones involving southern Negro troops in the States and overseas. I also was involved in other psychological work before and during my Army career.

Q What books or articles have you written, if any?

A I am co-author of a volume 2 of the "American Soldier." I have just recently published a chapter on Social Psychology in the Annual Review of Psychology, which is a publication that summarizes and evaluates all of the various special fields in psychology each year. I have written a number of articles in professional journals. I am editor of the Journal of the Social Issues, which is the official publication of the Society for the Psychological Study of Social Issues, which is a division

of the American Psychological Association.

Q What professional organizations do you belong to?

A American Psychological Association, Eastern Psychological Association, New York State Psychological Association, American Association for Public Opinion Research, American Association of University Professors, Phi Beta Kappa, Sigma Psi -- both being honorary societies. I am listed in Who's Who in America, and in American Men of Science, and in the International Directory of Public Opinion and Attitude Research.

Q Am I correct in saying that your specialization is in social psychology?

A That is correct.

Q Would you mind telling the Court, since it may be a term that is not understood, just what does a social psychologist do? What do you try to do?

A Social psychology is the special field of psychology that is concerned with the relationships between individuals from a psychological standpoint and the relationships between individuals and groups in all society. As psychologists, psychologists traditionally have had the fight to distinguish themselves from philosophers and theologians and try to be hardheaded and scientific. It has been their forte over the years

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to try to be as hardheaded, adding experimental approach to whatever they are studying, as is conceivably possible. So that in the field of social psychology, which has developed very greatly within the last 15 years, particularly, you will find social psychology is approaching problems by experimental methods, which involve trying to isolate the effect of some single factor by holding constant the other foreseeable factors that could influence the situation. You will find then using techniques of interviewing which have been developed over considerable years of experience that involve a high level training and skill. You will find techniques of attitude measurement and scaling of attitudes used which involve not merely skills of technique, but also mathematical and statistical ways of analyzing the data. The entire aim of active workers in this field of social psychology has been to bring to bear on this important area of human relations which had been previously a realm of common sense and intuition and untransmissible skill to bring this under scientific scrutiny and to bring up a body of cumulative fact which could be opened to public scrutiny and scientific test.

Q Professor Smith, is race or color a factor which social scientists can use to determine a person's innate

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or capacity to learn?

A It is not.

Q Is that your personal opinion, or is this opinion consensus of social scientists?

A It is both my opinion personally and the consensus of social scientists today. Shall I elaborate on that?

Q If you will.

A To go back a generation or so ago, you will find that people who were in the less developed social sciences shared the common assumption, which is still shared by all too many of the lay public today, that race is a very simple thing and race is a very important thing. Even at the time of the first World War, when psychological tests were being used for the first time on a broad scale, many psychologists believed that the results of these psychological tests done in the Army showed inferiority on the average on the part of the Negro group. There was the fact that on the average white soldiers scored higher on these group intelligent tests than the Negro soldiers.

If you look back in publications as of that time, you will find that this was adduced in evidence that the Negro group on the whole was -- showed less po-

Smith - Direct

tentiality for learning. Well now, in the generation that has passed since then, there have been a number of lines of evidence which convincingly, and I think beyond any reasonable doubt, completely require this earlier assumption to be given up. There are certain facts which are apparent even in the analysis of this Army data on intelligence tests scores.

For example, there is the fact which any competent student in this field will quickly admit that there is a tremendous overlap in the range of ability between the Negro and white groups. Let me make this a little bit more explicit. The results which had been found in these tests showed that the average Negro score was lower than the average white score, and this is a frequently found bit of data. However, the brightest Negroes, on such tests, will score as high as the brightest whites. Similarly, there is a complete overlap of the entire distribution. Individual differences, in other words, within any particular social group, you will find defined in terms of color, will outweigh the differences in group averages.

Well, that is one line of evidence which was available right in the initial findings on intelligence tests scores.

Smith - Direct

The second and very important --

JUDGE DOBIE: Do you not think we are wondering a bit far afield here? I think it is perfectly obvious to the Court and everyone here that Dr. Smith is fully qualified to testify. But to go into the Army's tests, and all, in very great detail, would keep us here for a couple of weeks.

MR. CARTER: Your Honor, I think that Dr. Smith was attempting to answer the question that was raised. And I do not think he will take much longer with it.

JUDGE DOBIE: All right.

A (continued) Perhaps if you repeated the question, that would be helpful.

BY MR. CARTER:

Q I was asking you whether or not race and color were considered as factors which would determine ability to learn, and you were attempting to demonstrate that this was not only your opinion but the opinion of social scientists.

A Yes. And thus far I have said there was a time when scientific works in these fields shared the common assumption, but there are several lines of evidence that made them reject this today.

Smith - Direct

The one important kind of evidence is that a major source of these differences between average intelligence scores on the part of Negroes and of whites is the result of environmental handicap to which the Negro group has been subjected as a result of segregation, discrimination, and prejudice. There is no question, as a result of a variety of lines of evidence on this point, that social environment, the kind of schooling and home situation, the kind of home life situation that the Negro child grows up in, has important and major results in intelligence tests score, and that, therefore, the findings of average differences in intelligence tests score had between the two groups cannot be interpreted as reflecting differences in inherent ability to learn.

There is a final point which I think should be made in this regard, and I will keep it brief. That is, that in recent years the entire concept of race has turned out to be a very much more complicated one, far less simple one, than our common popular thinking regards it.

Let me refer to a document prepared as the united statement on race by Dr. Ashley Montague, an eminent anthropologist, assisted by a committee representing the full range of the social scientists, in-

Smith - Direct

cluding psychology, and representing not merely America but other communities as well. In this document, which is issued under the auspices of the United Nations, it is pointed out that race -- in other words, ways of grouping people in terms of biologically transmitted physical characteristics, not only does not imply characteristics of ability, temperament, or personality to be associated with the physical characteristics, but that there is even a highly imperfect relationship among the physical characteristics which have been used to define race. So that in effect, when we talk about a Negro race, and particularly when we talk about it in terms of legal definition of Negro, as found in the southern States, we are using an entirely arbitrary way of categorizing people so far as any psychological implications for learning ability are concerned.

Q Dr. Smith, as a social psychologist have you had any occasion to examine and study the effect of legal segregation on the individual?

A I have. As a social psychologist who has had occasion to keep abreast of the scientific literature in my field and to evaluate it and summarize it for publication, and to teach it, I have had intimate acquaintanceship with the research literature on the effects of segrega-

Smith - Direct

tion. In fact, this is a general topic which has been of considerable interest to social psychologists.

Q As a result of your examination and study, what conclusions have you reached on that?

A Let me spell this out in terms of several consequences which I think can be considered as adequately supported by our current knowledge in psychology.

In the first place, we can say that there is definite impairment or deficit for the member of the segregated against group, the Negro, in regard to intellectual development and educational development. There are several respects in which this is an inevitable consequence of segregation. One very important respect arises from the following considerations: The society that we live in, with its values, with its sources of recognition and prestige, is predominantly a white society. The Negro came here under circumstances that meant that to the extent to which the Negro has a culture of his own, it is the white culture at second-hand. Now any pattern of human relationships that involves cutting off a segment of the group, the Negro, from full participation in this predominantly white culture that we live in, with its historical continuity of values,^{is,} in itself, bound to be impoverishing so far as the intellectual and educational

Smith - Direct

development of the individual is concerned.

5 In previous testimony, the effect of segregation, the hopes, aspirations, and motives of the individual to benefit from his experience have been mentioned, and I would say specifically in educational situations that we could not expect the Negro child to have the incentives to learn, to have the incentives to educate himself, that we would expect to find of a white child in this society. So much, very briefly, for the intellectual educational disadvantages to the Negro group from segregation.

It should be pointed out, however, that the effects of segregation in this sphere are such as to make the Negro, on the average, more like the common prejudiced conception of a Negro, as a stupid, illiterate, apathetic but happy-go-lucky person. In other words, the effects of segregation in this sphere are such as to help perpetuate the pattern of segregation and prejudice out of which these effects arise.

Secondly, I would like to refer to effects in the sphere of emotional, moral, spiritual -- if you will, development of the individual. Segregation, although by law imposed upon both white and the Negro groups, means different things, depending upon whether the in-

Smith - Direct

individual is on the top or bottom side of the line of segregation. For the individual who is segregated against, this is inevitably going to be understood -- perhaps not formally but still understood at some psychological level -- as meaning that I, the person segregated against, am someone that has to be guaranteed, somebody that has to be kept, from associating with people because I am not good enough, and this is inherently an insult to the integrity of the individual. In psychological studies of personality development, one of the most widely accepted propositions is that self respect, self esteem, being on good terms with one's self, is crucial for effectiveness in personality. It is also a widely established proposition that we form our pictures of ourselves, we form the basis for this self respect from the way in which we see others regarding us. Children, whether they be white, Negro, or any background, who grow up knowing that they are despised by the people around them, are thought not as good as the people around them, are going to grow up with conceptions of themselves as being, in some way, not worthy. And this is going to have any variety of consequences all of which I think would be agreed by anybody to be harmful and detrimental to the best interests of the individual.

Smith - Direct

Here again, this sphere, it should be pointed out, I believe, the effects of segregation are such as to maintain a vicious circle, which perpetuates the prejudice in segregation itself. The Negro coming out of this set of experiences is less likely to be effective in advancing his position. He is more likely to be apathetic, or, perhaps in some rare cases, rebellious. He is less capable of cooperative, effective collaboration in the solution of his problems realistically, and, furthermore he presents to the white person the characteristic picture of the so-called Negro stereotype of an individual who brings on himself the prejudice of the majority white group.

I should like to add, just by way of a footnote, that in my belief there are also parallel disadvantages to the white group in a system of segregation, particularly in the educational sphere in this matter of cutting down on the variety of experiences, the variety of any personal relationships, to which the white child is exposed. But these disadvantages are of a very different order, by and large, from the way in which they are experienced by a member of a group which is universally by those who practice segregation regarded as the disadvantaged and inferior group in the social scale.

Smith - Direct

6 Q Professor Smith, I think you mentioned this, or at least touched upon it. But I would like to ask you whether there are any ways, or in what ways are these effects brought about by segregation. Are there any ways in which this adverse effect impairs the learning process of the child who is subjected to it?

A Very definitely, it does impair the learning processes of the child. My previous statements were intended to be general in regard to the effects of segregation on a disadvantaged group in any kind of a situation. Of course, it is manifestly impossible to disentangle completely the effects of segregation in the schools from the entire pattern of experience which the child undergoes in a segregated society. The school is a tremendously important part of this child's experience, and further segregation in the school imposed by the official authority of the State has somewhat different weight perhaps from segregating experiences where they are up to the preferences of the individuals. So that the school is an instance where the general effects of segregation are going to come home to the child in a particularly important way. I think one might also add that the high school years, which of course are pertinent to the particular case at hand, are of particular importance. For a great many of those students,

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that will be the last contact with the formal school situation before they go out into society at large. This is the last chance of the educational system to prepare them for citizenship in the outer world. By that token, I think this becomes an even more important aspect of their total lives.

BY JUDGE DOBIE:

Q Would you say that you thought the bad effects were more apparent and greater at the adolescent high school level than they were at the elementary levels?

A Your Honor, my honest opinion would be that the very earlier years, and perhaps the adolescent level, would both be highly important. The younger years you have great malleability, but in the adolescent years, there is shaving of the personality as the person becomes independent of his parent and starts standing on his own feet.

Q It is difficult to say which is more important.

A I would not care to balance them, one against the other.

Q Each unquestionably is important.

A Yes, sir.

BY MR. CARTER:

Q Would you assume, on only this one thing where

Smith - Direct

I would like to ask your opinion, that in Farmville, Virginia, all other factors being equal, the Negro children are required to attend a particular high school which is set aside for them and from which all other groups are excluded; with only this question of legal segregation in mind, based on your experience and knowledge as a social psychologist, are you in a position to give an opinion as to whether or not the Negro child, under those circumstances, can secure educational advantages and opportunities equal to those which are available to the other group?

A Definitely not.

Q On what do you base that opinion?

A On all of the considerations that I have been mentioning. First and foremost, I think among them being that segregation is, in itself, under the social circumstances in which it occurs, a social and official insult and that this has widely ramifying consequences on the individual's motivation to learn and benefit from his education and other developments of his personality and capacity to be effective in any realm of life. This, I think, is the overwhelmingly point which makes it impossible for me to see how one could have equal educational opportunity under any kind of segregating system.

MR. CARTER: Your witness.

Smith - Cross

JUDGE DOBIE: Do you care to cross examine?

MR. MOORE: Yes, we have a few questions.

CROSS EXAMINATION

BY MR. MOORE:

Q Dr. Smith, as I understand it, you are Professor of Psychology, not anthropology?

A That is correct.

Q At Vassar College?

A That is correct.

Q You have not undertaken to testify here in the role of an expert anthropologist, have you?

A I have, in my graduate training, in the Department of Social Relations, in which I took my Ph. D. degree in social psychology, had training in the fields of sociology and anthropology as part of a curriculum leading to a degree in social psychology. I am also now associated with the staff of the Social Science Research Council in which I am constantly participating in inter-disciplinary research which involves these three fields. Social psychology is rather a meeting ground of the various traditional previously separate approaches to the study of human behavior

Smith - Cross

on society and I believe I am qualified in testifying in that general area.

Q As an anthropologist?

A As a social psychologist and social scientist.

Q I do not think you have answered my question as to whether you are an anthropologist.

A I am not an anthropologist.

Q Where were you born and reared?

A I was born in New York State and I was raised in Oregon, on the Pacific Coast.

Q Where in New York State?

A Syracuse, New York.

Q You lived there until what age?

A Two months.

Q Well, you didn't stay very long?

A I did not, sir.

Q Then you moved out to Oregon?

A That is correct.

Q And you lived in Oregon until you were of what age?

A Until I was seventeen.

Q Now, what schools did you attend while you were a resident of Oregon?

A I attended the public schools of my community.

Q What city in Oregon?

A Cordallis, Oregon.

Q Was segregation practised there?

A Oregon was a state which at that time had a very small Negro population, if that is what you are asking for. There were, I believe, only two or three Negro families in town. There wasn't any segregation. However, I don't know whether you would know there was segregation, if there had

H. D. Smith - Cross

been segregation, with two or three Negro families.

Q Well, in that situation the Negro was almost a
our's, he was so rare?

A I think that would be correct, although I would not
like to put it that way.

Q About how many students were in the average class
while you were in the public schools in Oregon?

A In Oregon, never more than one.

Q That was up to the time you were seventeen?

A That is correct.

Q Where did you go then?

A I will have to change my dates slightly. I went
from Reed College in Portland, Oregon, at the age of, I guess,
nineteen, down to Stanford University in California, and was
in California for two years.

Q In the entire state of Oregon there were very few
colored people, were there not?

A Before the war there were very few; since the war
there has been a somewhat larger colored population.

Q How old are you now?

A Thirty-three.

Q You were in Stanford for how long?

A Two years.

Q Did you attend any classes where colored people at-

M. D. Smith - Cross

tended classes at Stanford?

A Not at Stanford, no.

Q Then where did you attend school?

A Harvard University.

Q You took the regular college course there first, did you?

A No, I came as a graduate student.

Q Oh, as a graduate student? In the --

A Department of Psychology.

Q Did you attend classes with any colored students?

A I did.

Q How many were the most that you had in the class?

A In a small seminar of about 15 students there were two Negroes.

Q You finished Harvard in what year?

A I left from Harvard to be drafted into the army in the beginning of 1942. I returned to Harvard to complete my graduate study at the end of the war.

Q And you remained there how long?

A I only remained at Harvard before the war two years as a student there, 1945 to 1947, and two years on the faculty there after, from 1947 to 1949.

Q What did you teach on the faculty at college?

A I taught social psychology at both the graduate and

M. D. Smith - Cross

undergraduate level.

Q Then, you have been at Vassar for two years?

A That is correct.

Q You were in the army how long?

A Four years.

Q You referred to these tests that were made of colored soldiers and white soldiers during the war, and I do not want to touch on that but very briefly, but inasmuch as it was mentioned by the other side, I think it should be brought out. You mentioned that those tests in World War I had shown that the average Negro soldier showed less potentiality for development than the white; isn't it true --

A I didn't say that. I said the average colored soldier received a lower test score. I went to considerable pains later in my testimony to point out that this was highly ambiguous in regard to what it showed in regard to his potentiality --

Q What was the question that was being put? What was being scored?

A What was being scored was intelligence, as it can be tested. It is well-known by psychologists, even by the general public, which has got kind of a mystical interpretation of intelligence and imagine it is measured by the I.Q., that there is no such thing as a test of pure, unadulterated

M. D. Smith - Cross

biological potentiality, as to how this has ripened and been allowed to flower in environment.

Q In the army, in popular language, it was a test of intelligence?

A It was a test of intelligence.

Q Isn't it true that those tests showed that the average Negro soldier had a score 25 per cent below that of the average white?

A I don't have my sources at hand so that I can check those figures.

Q Just draw on your recollection. What is your best recollection?

A I think it is unnecessary for me to guess at the exact percentage, but they were substantially on the average lower in test score. It would have been very surprising if any other finding had resulted from that.

Q You are not prepared to deny that the tests showed on the average that there was a difference of 25 per cent, are you?

A I am not prepared to deny that.

Q You say that as an army officer you participated in tests during the war that has just been finished, World War II. Isn't it true that in spite of all these 25 years of progress in the meantime, similar tests in this last war

M. D. Smith - Cross

showed a lower score for the Negro than in World War I?

A The same tests were not used. In World War I a test called Army Alpha was used. During World War II the army general classification test had some resemblance to the old Army Alpha, but was constructed in a different way, with many different kinds of items, and there is no basis on which you can compare the results of the army General Qualification Test with the results in the First World War.

Q Inasmuch as these tests in which, you say, you participated are so recent, certainly your recollection must be sufficient to enable you to give us an estimate of what the difference was. What was the score under the tests that were used?

A My work as a psychologist in the army was in relation to the study of attitudes and opinions of soldiers and I was not, except for brief periods at a time of my army career, concerned with the administration of intelligence tests, so I do not consider myself an expert on this particular point. However, I would be quite willing to agree that there still remains a differential in intelligence test scores. I would like to point out that there is still a differential in the educational opportunities given the Negro in the South and those given in some of the Northern States.

M. D. Smith - Cross

Q You testified you had done wide reading on these matters; you have testified from that reading; don't you know that the average Negro's score in the last war was lower by comparison than it was in World War I?

A I have pointed out to you, sir, that the tests used in the two wars are not comparable tests and, therefore, this kind of statement cannot be made.

BY JUDGE DOBIE:

Q Wouldn't you say, Doctor, that in-between the two wars the army, in developing these tests, had made progress and developed better tests? I was in the army myself and I remember once or twice where some army officers learned something from the soldiers.

A That occasionally happens, Your Honor, but in so far as this being a better test, you are deprived of the ability to compare the results of this test with the prior ones, because you are not using the same measuring test.

Q I don't know whether it was Alpha, Beta, Gamma, or Delta, but it was something. I am frank to say, in my opinion -- I had had some experience in academic life at that time -- when you called it "asininity" you have defined it. I happen to think of a major general who stood very high in that score, and I remember that he looked at the man's score on the tests.

H. D. Smith - Cross

A Well, I think that the usefulness of these tests in this experience in World War II was, in its very crude way, one that was able to divide the group up into about five rough classifications, but any indication of inheritability --

Q I don't mean to talk about myself, but what we have done, ourselves, is always more real than anything else, and as company commander I found those tests very useful, but I think the higher up you got in the grades, the less importance you would attach to the tests.

A I would agree.

Q I remember one brigadier general who got very indignant because some of the questions involved personalities in the American and National League ball teams.

BY MR. MOORE:

Q Just one more question and we will pass the matter of these tests. The purpose of this last test was an intelligence test?

A The purpose of this last test was to be able to crudely sort out soldiers in terms of their ability to handle different orders and responsibilities, and I think that there was no use, in the description of these tests, to define intelligence; I think it was accepted that this test could not be considered as pure intelligence.

M. D. Smith - Cross

BY JUDGE DOBIE:

Q Let me ask you one more question, Doctor. I am very much interested. I had some academic experience. I was dean of the University of Virginia Law School when President Roosevelt put me on the federal bench. Those intelligence tests were used for admissions to law school and, to be perfectly frank with you, the questions were very, very simple and very easy; it was purely a question of speed. Don't you think that plays a large part in it?

A Some tests are called speed tests --

Q Any man of common intelligence ought to answer 95 per cent of the questions if given time. It was absolutely impossible to answer all of them. That was a speed test.

A Yes, sir.

BY MR. MOORE:

Q Doctor, what proportion in Vassar College were the colored students?

A I find it very hard to give you an accurate estimate. We don't keep records that way. Of course, one does notice the Negro students who are present. I would say that it is percentagewise quite small. I find it very hard to guess. I am reasonably sure there were no more than a dozen Negro students there.

Q Out of how many students?

M. D. Smith - Cross

A Out of about 1,400.

Q Now, have you ever lived in the South?

A I have not.

Q Well, what you have to say about this particular case at Prince Edward County or the State of Virginia is based entirely upon your general studies and reading, without any actual experience in the state of Virginia?

A It is based on no actual experience in the state of Virginia; it is based, however, on some personal experience and research with southern Negroes, as well as on my general reading and study and the application of psychological principles which have been amply established.

Q Why was that research done?

A Some of this research was done in army camps throughout the South; some of it was done in the field with the 92nd Division in Italy; some of it was done among the personnel of the former 2nd Cavalry Division, after this division had been split up into service troops, and we were asked to make a study of the components of the former 2nd Cavalry Division as to their desire for combat.

Q How much time in all have you ever spent in the state of Virginia?

A I think it has probably been limited to a day or so in passing.

M. D. Smith - Cross

Q You mean you would look out the train windows?

A Look out the train windows; visiting friends in Arlington when I was living in Washington.

Q If I understand your view, and having in mind the question that I presented to the preceding witness, it is your contention, based upon your studies outside the state of Virginia -- by the way, have you ever had any time at all in the South?

A Studies in the army, when I came down for as much as a week at a time to various southern army camps.

Q How much time did you spend in that?

A Probably three or four weeks in all.

Q Where?

A In Louisiana, Alabama, North Carolina, Georgia; I am trying to think if Virginia was included in this. I can't remember.

Q You just came down for a day or two?

A A day or two, or three or four days.

Q It is your contention here with regard to this high school situation in Prince Edward County, Virginia, that we are here dealing with, that regardless of how excellent were the buildings and equipment; regardless of how excellent were the teachers, their education, their experience, their qualifications; regardless of their salaries; regardless of school

M. D. Smith - Gross

bus equipment; assuming all curricula were just the same, or better than in any of the white schools,--it is your opinion which you present to the court that you do not believe that the Negro child in the new Negro high school could obtain equal opportunities and educational advantages?

A It sounds awfully nice, sir, but my answer would be, unequivocally, No, but, stated metaphorically, "The gold bars on a cage don't make it a cage." I think psychologically that is a most important point.

Q In these places that you are familiar with, in New York, where there is no segregation by law or separation by law, do you not know as a fact that separation, I will call it, is generally practised in the public school system?

A That frequently occurs as a result of residential segregation. I think there is this to be used, which makes the crucial difference: that where segregation occurs with the official sanction of the State, it is an official insult, whereas, when it occurs because the Negroes in this neighborhood go to this school, to be sure, there is the deprivation of opportunity for adequate human relations all along the line, but there is not the official insult. I think that is the major difference.

Q In other words, you are undertaking to draw the distinction between what you call an official insult and a private insult?

M. D. SMITH - Cross

A Yes. I think that is an important distinction.

Q Did it ever occur to you that perhaps there might be a corresponding insult to people in Virginia and some of these other southern states if the southern system were done away with? Do you think that would be of any importance so far as the development of the school system is concerned?

A I do not see how being told that one cannot occupy a group relegated to a position of inferiority is in any reasonable sense -- I think the word "reasonable" was used yesterday -- an insult to the integrity or self-respect of the white Southerner.

Q In other words, you just think there should not be an insult, even though the fact remained that there was?

A I am sure that there would be tension and distress on the part of many people. I would not like to use the term "insult" for this state of affairs.

Q I don't know whether you desire to answer this question, but I will ask you: Is it your view that this goal that you speak of as being the desirable goal of eliminating the differences should be sought through a gradual process, what I will call a sort of evolutionary process, rather than through an effort to obtain some court decree? Which would be the more desirable, in your view?

A I think I can answer it in just a slightly indirect

M. D. Smith - Cross

fashion. The most direct approach that can, in effect, be put across is all too gradual. We can add court decrees here, there, and elsewhere, some of which will be effective and which, as a result, over the course of time a gradual change can grow.

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In other words, I do not accept your distinction between gradual change and change by court decree.

Q Do you not agree that if the average white child is brought up in a home where there is a general feeling and view on this subject, that presently prevails in these southern states, by the time that child has gotten a very short distance in school, whether it is in a segregated school or in a non-segregated school, the child's views will be fairly well fixed on the subject?

A I certainly think that the home is an important source of influence on attitudes. However, there is a lot of evidence that has been accumulated recently to show that people's behavior, what they actually do in a real situation, frequently is by no means utterly consistent with these attitudes that they give verbal consideration to. For example, there were studies made in New York to show that people who swore that they would not buy in a department store where there were Negro clerks, when observed, bought in such a store. In other words, whether a person said that he was

H. D. Smith - Cross

prejudiced, admitting prejudice against a Negro, and stated that he would in any circumstances carry forth this act of buying from a Negro clerk, had very little to do with whether in a like situation that person actually made such a purchase, and I think this is a rather telling point. The situation in a school, where you have together children pursuing a common educational goal, not studying race relations but studying arithmetic, is just the kind of situation where good relations can be had and where the home pattern can, perhaps, be partially undone.

Q You are old enough to know what we had during legal prohibition?

A I came in just on the end of that, sir.

Q You were made rather aware there, were you, that unless a law or a court decree had general public acceptance, it wasn't much good? Didn't you find that to be so?

A I think the situation is hardly comparable, sir, except for a rather small group of people. It would be hard to see that there is any connection between abstinence from liquor and the important traditional sources of morality and the important values of American society -- the Jewish-Christian proportion -- whereas, I think there is ample documentary proof that there is in American society an inherent conflict between the American creed that we all learn in

M. D. Smith - Cross

school and the practice of segregation and discrimination. So, I do not accept this as being a comparable case. I think that every Southerner who has been reared on the American creed of the integrity of the individual, et cetera, is at least partially a potential supporter of this, once the hurdle is gotten over.

Q Bless you all, you seem to know very little about the South, and Virginia particularly, but I ask you whether or not you have given any weight in expressing the opinions you have here to the possibility of the population you have referred to simply would not accept the kind of a program that you advise. Would that carry any weight, in your mind, as to the effect on the Negro child?

A It seems to me that is a rather odd question, as to whether the people would obey the law or not. However, there have been recent studies which are generally accepted as being important and relative, which go to show that, correlated with prejudice, correlated with rejection of minority groups, is a tendency to accept directions of authority, to accept the conventions imposed by those who are regarded as superior. So that if, with the full authority of the court, with the full and sincere backing of the state authorities, segregation were ruled as being unconstitutional, the same weight of authority were behind this particular move, as

M. D. Smith - Cross

a psychiatrist I would say that the more highly prejudiced individual would be likely to fall in line and comply.

Q Well, you have given no weight to what might be the perfect attitude of the great majority of the people?

A I don't think that follows from my recent answer.

Q Well, what weight have you given it, then?

A I would say --

MR. HILL: I think the witness answered the question very fairly. He said he had given a great deal of weight to it and what the studies determined.

JUDGE DOBIE: We have permitted a very broad scope in the examination, and we will do it here.

A All right; put it this way: this certainly makes for a difficult situation. However, what we know of psychology of prejudice leads us to believe that if a clear-out, straightforward change is proposed from that height, that the population will be very likely to go along with it, rather than with a gradual, pussyfooting sort of approach that in no way speaks firmly to those who are most deeply prejudiced. The gradualist, pussyfooting approach is least likely to have consequence in this kind of situation.

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MR. MOORE: That is all.

BY JUDGE DOBIE:

M. D. Smith -

Q You spoke of the very bad effects of segregation when it is imposed by statute or by authority and also in connection with when it is imposed by social sanction. I have taught in three Middlewest Universities. In one in which I taught they had the very severest laws against any segregation whatever. I was told by one of the highest authorities in the university, who had been there for a great many years, that though it was a statute and in the constitution of that State, segregation raised prejudice, and injustice against the Negro students in that university was practically and consistently on a very high level. What would be your opinion as to the effect of that where the law is one way and the effect is carried out the other? I was told by the dean of one of those universities that if a colored woman was seen on the street with a white man, or vice versa, that they would be absolutely boycotted socially.

A Your Honor, as a Northerner coming down here to the South, I feel very sensitive on that point, because it is perfectly clear that we don't come with clean hands. There is prejudice in the North just as there is in the South, with this important difference, I think: that when segregation is supported with the full authority of the State, it is very difficult to make progress and do anything about it; whereas, the other situation is more fluid, more malleable. There is this further point that I mentioned in

my testimony: that I think there is a difference between official insult and informal insult which people can't avoid.

Q You think each is very bad?

A I think each is very bad.

BY MR. MOORE:

Q I have one other question about this result provided by law. Wouldn't you, in line with your presentation here, have to contend that these differences that exist in Virginia and many of these southern states in regard to inter-marriage should logically be barred also?

A In the last analysis, I would say Yes, they should be barred also. I would be very much surprised if inter-marriage occurred very often, but I would see a situation in which it was not very likely, which would be much healthier to all concerned.

Q That problem relates to the home, which we agree is more important than the school.

A It is, but not on the same level. I regard the school as being much more accessible to change and much more amenable to this kind of approach.

Q But it is your view that in principle the same reasoning should apply?

A In the long run and in principle, yes.

M. D. Smith - Redirect

REDIRECT EXAMINATION

BY MR. CARTER:

Q These intelligence tests in the army that Mr. Moore was asking about, are you familiar enough with them to tell us the comparison between the scores on the average of Northern Negroes and Southern Whites?

A Yes --

MR. MOORE: May it please Your Honor, I think we are getting into --

JUDGE DOBIE: I think he is getting right off, but I will let him ask the one question. You went into that --

MR. MOORE: Only in relation to what he opened up, himself.

JUDGE DOBIE: I think this case is one of very great importance. We have no jury here, but three judges, and I think we ought to open the doors rather wide, and we will pass upon the weight to be given it. I think he may answer the question.

A This comparison between northern Negroes and southern whites is more in regard to trying to isolate the role of basic biological ability and the role of different environmental experience on intelligence test scores. What was found, briefly, was that there were some special studies

M. D. Smith - Redirect

in which the average score of the white soldier was lower than the average score of the Negro soldier in certain northern states. Now, this was not taken to mean that the white soldier was less intelligent than the northern Negro. It was interpreted to mean that the intelligence tests reflected in large part, if not completely, differences in environmental opportunity.

The evidences I am speaking of now were from the World War studies. I am sure there is similar evidence from World War II, but I don't have it.

MR. CARTER: That is all.

JUDGE DOBIE: I just want to make the observation that I do not want in any way to reflect on the Middle-western Universities, or this particular one, and I want to say this: that I did not find much race prejudice among the faculty. I had one Negro in my class who went to the dean and said, "I know that Dobie is from the state of Virginia and there is some prejudice against Negroes from there. If he would rather not have me in his class, I will not take it." I, of course, told him that I would be more than glad to have him in the class. It was a special class. He stayed in the class and he made it.

We will take a recess for five minutes.

H. B. Smith - Recross

(Short recross.)

MR. MOORE: I have just one more question, then I will be finished with the cross-examination.

BY MR. MOORE:

Q Are you familiar with any tests that were made at about the same time between northern Negroes and northern white soldiers?

A Yes, indeed.

Q Now, did not the same sort of difference show up?

A There was a difference between northern Negro and northern white soldiers, and there were also differences in environment of the northern white and northern Negro soldiers. These differences are smaller than the over-all average between the southern Negro and the northern Negro.

Q The average northern Negro scored substantially lower than the average northern white scored?

A Yes, but I think the difference is less than the average on the whole, leading me to the conclusion that this difference is the result of the group average environment, which is not ruled out when you compare northern Negro soldiers with northern white soldiers.

Q This word "less" is rather vague. Can't you express it in some other way?

A No, I cannot.